

SENATE BILL NO. 68—SENATOR WASHINGTON

PREFILED FEBRUARY 2, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Makes various changes concerning transportation.
(BDR 43-25)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to transportation; revising provisions governing the registration of certain heavy motor vehicles; abolishing the Transportation Services Authority; transferring the duties and responsibilities related to motor carriers and the storage of household goods and effects from the Transportation Services Authority to the Public Utilities Commission of Nevada; revising provisions governing sanctions for certain violations by taxicab drivers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 5-54 and 60-70 of this bill abolish the Transportation Services Authority, transfer its duties and responsibilities to the Public Utilities Commission of Nevada and remove the authority to regulate brokers of regulated services.

Under existing law, motor vehicles must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this State. (NRS 482.206) **Sections 2-4** of this bill provide that motor vehicles with a declared gross weight in excess of 26,000 pounds must be registered in accordance with regulations adopted by the Department of Motor Vehicles.

Section 56 of this bill transfers, from the Transportation Services Authority to the district court for the county in which the alleged act occurred, the authority to hear an appeal of the final decision of the Taxicab Authority. (NRS 706.8819)

Section 58 of this bill adds a third violation of NRS 706.8846, which prohibits a taxicab driver from committing certain acts related to a passenger's destination, to the list of factors which may be considered when determining whether a person



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15 should be issued a permit as a taxicab driver. (NRS 706.8841) **Section 59** of this
16 bill increases the sanction for a third violation of NRS 706.8846. (NRS 706.8848)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 481.051 is hereby amended to read as follows:
2 481.051 1. The Director shall direct and supervise all
3 administrative and technical activities of the Department.
4 2. The Director may organize the Department into various
5 divisions, alter the organization and reassign responsibilities and
6 duties as he deems appropriate.
7 3. The Director shall:
8 (a) Formulate the policy of the Department and the various
9 divisions thereof.
10 (b) Coordinate the activities of the various divisions of the
11 Department.
12 (c) Adopt such regulations consistent with law as he deems
13 necessary for the operation of the Department and the enforcement
14 of all laws administered by the Department.
15 4. The Director may appoint vendors to serve as agents of the
16 Department to sell temporary permits. The vendor shall collect the
17 fees for the permits issued pursuant to chapter 706 of NRS and pay
18 them to the Department. The vendor shall guarantee payment by
19 giving a bond in an amount not less than \$25,000, executed by the
20 vendor as principal, and by a corporation qualified pursuant to the
21 laws of this State as surety, payable to the State of Nevada. In lieu
22 of a bond, the vendor may deposit with the State Treasurer a like
23 amount of lawful money of the United States or any other form of
24 security authorized by NRS 100.065. If security is provided in the
25 form of a savings certificate, certificate of deposit or investment
26 certificate, the certificate must state that the amount is not available
27 for withdrawal except upon approval of the Director. Upon approval
28 of the Governor, the Director may appoint ~~inspectors~~ *employees* of
29 the ~~Transportation Services Authority~~ *Public Utilities*
30 *Commission of Nevada* and personnel of the Nevada Highway
31 Patrol Division of the Department of Public Safety to serve without
32 remuneration as vendors for the purposes of this subsection.
33 5. The Director may delegate to the officers and employees of
34 the Department such authorities and responsibilities not otherwise
35 delegated by law as he deems necessary for the efficient conduct of
36 the business of the Department.
37 **Sec. 2.** NRS 482.206 is hereby amended to read as follows:
38 482.206 1. Except as otherwise provided in this section,
39 every motor vehicle, except for a motor vehicle that is registered



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1 pursuant to the provisions of NRS 706.801 to 706.861, inclusive, ~~for~~
2 ~~which is a motor vehicle with a declared gross weight in excess of~~
3 ~~26,000 pounds.]~~ must be registered for a period of 12 consecutive
4 months beginning the day after the first registration by the owner in
5 this State.

6 2. Every vehicle registered by an agent of the Department or a
7 registered dealer must be registered for 12 consecutive months
8 beginning the first day of the month after the first registration by the
9 owner in this State.

10 3. *A motor vehicle with a declared gross weight in excess of*
11 *26,000 pounds must be registered for 12 consecutive months*
12 *beginning on the day established by the Department by regulation.*

13 4. Upon the application of the owner of a fleet of vehicles, the
14 Director may permit him to register his fleet on the basis of a
15 calendar year.

16 ~~[4.]~~ 5. When the registration of any vehicle is transferred
17 pursuant to NRS 482.399, the expiration date of each regular license
18 plate, special license plate or substitute decal must, at the time of the
19 transfer of registration, be advanced for a period of 12 consecutive
20 months beginning:

21 (a) The first day of the month after the transfer, if the vehicle is
22 transferred by an agent of the Department; or

23 (b) The day after the transfer in all other cases,
24 ➤ and a credit on the portion of the fee for registration and
25 the governmental services tax attributable to the remainder of the
26 current period of registration must be allowed pursuant to the
27 applicable provisions of NRS 482.399.

28 **Sec. 3.** NRS 482.463 is hereby amended to read as follows:

29 482.463 The holder of an original registration for a motor
30 vehicle with a declared gross weight in excess of 26,000 pounds
31 may, upon surrendering the certificate of registration and the
32 corresponding license plates to the Department or upon signing a
33 notarized statement indicating the certificate of registration and the
34 corresponding license plates were lost and providing such
35 supporting documentation as the Department requires, apply to the
36 Department:

37 1. For a refund of an amount equal to that portion of the
38 governmental services taxes and registration fees paid for the motor
39 vehicle that is attributable, on a pro rata monthly basis, to the
40 remainder of the ~~[calendar year:]~~ *registration;* or

41 2. To have that amount credited against excise taxes due
42 pursuant to the provisions of chapter 366 of NRS.

43 **Sec. 4.** NRS 482.482 is hereby amended to read as follows:

44 482.482 1. In addition to any other applicable fee listed in
45 NRS 482.480, there must be paid to the Department for the



1 registration of every motortruck, truck-tractor or bus which has
2 declared gross weight of:

3 (a) Less than 6,000 pounds, a fee of \$33.

4 (b) Not less than 6,000 pounds and not more than 8,499 pounds,
5 a fee of \$38.

6 (c) Not less than 8,500 pounds and not more than 10,000
7 pounds, a fee of \$48.

8 (d) Not less than 10,001 pounds and not more than 26,000
9 pounds, a fee of \$12 for each 1,000 pounds or fraction thereof.

10 (e) Not less than 26,001 pounds and not more than 80,000
11 pounds, a fee of \$17 for each 1,000 pounds or fraction thereof. The
12 maximum fee is \$1,360.

13 2. Except as otherwise provided in subsection 6, the original or
14 renewal registration fees for fleets of vehicles with a declared gross
15 weight in excess of 26,000 pounds and the governmental services
16 tax imposed by the provisions of chapter 371 of NRS for the
17 privilege of operating those vehicles may be paid in ~~equal~~
18 ~~installments. Installments are due on or before January 31, April 1,~~
19 ~~July 1 and October 1 of each year. The~~ *installments, the* amount of
20 ~~each installment~~ *which* must be determined by ~~taking the total fee~~
21 ~~and governmental services tax due for the calendar year and~~
22 ~~dividing that total by four.~~ *regulation.* The Department shall not
23 allow installment payments for a vehicle added to a fleet after the
24 original or renewal registration is issued.

25 3. If the due date of any installment falls on a Saturday, Sunday
26 or legal holiday, that installment is not due until the next following
27 business day.

28 4. Any payment required by subsection 2 shall be deemed
29 received by the Department on the date shown by the post office
30 cancellation mark stamped on an envelope containing payment
31 properly addressed to the Department, if that date is earlier than the
32 actual receipt of that payment.

33 5. A person who fails to pay any fee pursuant to subsection 2
34 or governmental services tax when due shall pay to the Department
35 a penalty of 10 percent of the amount of the unpaid fee, plus interest
36 on the unpaid fee at the rate of 1 percent per month or fraction of a
37 month from the date the fee and tax were due until the date of
38 payment.

39 6. If a person fails to pay any fee pursuant to subsection 2 or
40 governmental services tax when due, the Department may, in
41 addition to the penalty provided for in subsection 5, require that
42 person to pay:

43 (a) The entire amount of the unpaid registration fee and
44 governmental services tax owed by that person for the remainder of
45 the ~~calendar year;~~ *registration;* and



(b) On an annual basis, any registration fee and governmental services tax set forth in subsection 2 which may be incurred by that person in any subsequent ~~calendar year.~~ **registration.**

Sec. 5. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.

(d) Manufactured Housing Division.

(e) Real Estate Division.

(f) Division of Insurance.

(g) Division of Industrial Relations.

(h) Office of Labor Commissioner.

(i) Taxicab Authority.

(j) Nevada Athletic Commission.

(k) Office of the Nevada Attorney for Injured Workers.

~~(l) Transportation Services Authority.~~

~~—(m)~~ Division of Mortgage Lending.

~~(n)~~ **(m)** Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 6. NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The Chief of the Consumer Affairs Division is the Commissioner of Consumer Affairs, the Chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the Chief of the Housing Division is the Administrator of the Housing Division, the Chief of the Manufactured Housing Division is the Administrator of the Manufactured Housing Division, the Chief of the Real Estate Division is the Real Estate Administrator, the Chief of the Division of Insurance is the Commissioner of Insurance, the Chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the Chief of the Office of Labor



1 Commissioner is the Labor Commissioner, the Chief of the Taxicab
2 Authority is the Taxicab Administrator, the Chief of the
3 ~~[Transportation Services Authority is the Chairman of the Authority,~~
4 ~~the Chief of the]~~ Division of Mortgage Lending is the
5 Commissioner of Mortgage Lending and the chief of any other
6 entity of the Department has the title specified by the Director,
7 unless a different title is specified by a specific statute.

8 2. Is responsible for the administration of all provisions of law
9 relating to the jurisdiction, duties and functions of all divisions and
10 other entities within the Department. The Director may, if he deems
11 it necessary to carry out his administrative responsibilities, be
12 considered as a member of the staff of any division or other entity of
13 the Department for the purpose of budget administration or for
14 carrying out any duty or exercising any power necessary to fulfill
15 the responsibilities of the Director pursuant to this subsection. This
16 subsection does not allow the Director to preempt any authority or
17 jurisdiction granted by statute to any division or other entity within
18 the Department or to act or take on a function that would contravene
19 a rule of court or a statute.

20 3. May:

21 (a) Establish uniform policies for the Department, consistent
22 with the policies and statutory responsibilities and duties of the
23 divisions and other entities within the Department, relating to
24 matters concerning budgeting, accounting, planning, program
25 development, personnel, information services, dispute resolution,
26 travel, workplace safety, the acceptance of gifts or donations, the
27 management of records and any other subject for which a uniform
28 departmental policy is necessary to ensure the efficient operation of
29 the Department.

30 (b) Provide coordination among the divisions and other entities
31 within the Department, in a manner which does not encroach upon
32 their statutory powers and duties, as they adopt and enforce
33 regulations, execute agreements, purchase goods, services or
34 equipment, prepare legislative requests and lease or use office space.

35 (c) Define the responsibilities of any person designated to carry
36 out the duties of the Director relating to financing, industrial
37 development or business support services.

38 4. May, within the limits of the financial resources made
39 available to him, promote, participate in the operation of, and create
40 or cause to be created, any nonprofit corporation, pursuant to
41 chapter 82 of NRS, which he determines is necessary or convenient
42 for the exercise of the powers and duties of the Department. The
43 purposes, powers and operation of the corporation must be
44 consistent with the purposes, powers and duties of the Department.



1 5. For any bonds which he is otherwise authorized to issue,
2 may issue bonds the interest on which is not exempt from federal
3 income tax or excluded from gross revenue for the purposes of
4 federal income tax.

5 6. May, except as otherwise provided by specific statute, adopt
6 by regulation a schedule of fees and deposits to be charged in
7 connection with the programs administered by him pursuant to
8 chapters 348A and 349 of NRS. Except as otherwise provided by
9 specific statute, the amount of any such fee or deposit must not
10 exceed 2 percent of the principal amount of the financing.

11 7. May designate any person within the Department to perform
12 any of the duties or responsibilities, or exercise any of the authority,
13 of the Director on his behalf.

14 8. May negotiate and execute agreements with public or private
15 entities which are necessary to the exercise of the powers and duties
16 of the Director or the Department.

17 9. May establish a trust account in the State Treasury for
18 depositing and accounting for money that is held in escrow or is on
19 deposit with the Department for the payment of any direct expenses
20 incurred by the Director in connection with any bond programs
21 administered by the Director. The interest and income earned on
22 money in the trust account, less any amount deducted to pay for
23 applicable charges, must be credited to the trust account. Any
24 balance remaining in the account at the end of a fiscal year may be:

25 (a) Carried forward to the next fiscal year for use in covering the
26 expense for which it was originally received; or

27 (b) Returned to any person entitled thereto in accordance with
28 agreements or regulations of the Director relating to those bond
29 programs.

30 **Sec. 7.** NRS 268.097 is hereby amended to read as follows:

31 268.097 1. Except as otherwise provided in subsections 2 and
32 3, notwithstanding the provisions of any local, special or general
33 law, after July 1, 1963, the governing body of any incorporated city
34 in this State, whether incorporated by general or special act, or
35 otherwise, may not supervise or regulate any taxicab motor carrier
36 as defined in NRS 706.126 which is under the supervision and
37 regulation of the ~~{Transportation Services Authority}~~ *Public*
38 *Utilities Commission of Nevada* pursuant to law.

39 2. The governing body of any incorporated city in this State,
40 whether incorporated by general or special act, or otherwise, may
41 fix, impose and collect a license tax on and from a taxicab motor
42 carrier for revenue purposes only.

43 3. The governing body of any incorporated city in any county
44 in which the provisions of NRS 706.8811 to 706.885, inclusive, do
45 not apply, whether incorporated by general or special act, or



1 otherwise, may regulate by ordinance the qualifications required of
2 employees or lessees of a taxicab motor carrier in a manner
3 consistent with the regulations adopted by the ~~[Transportation~~
4 ~~Services Authority.]~~ *Public Utilities Commission of Nevada.*

5 **Sec. 8.** NRS 289.320 is hereby amended to read as follows:

6 289.320 An employee of the ~~[Transportation Services~~
7 ~~Authority whom it designates as an inspector or as manager of~~
8 ~~transportation]~~ *Public Utilities Commission of Nevada who is*
9 *employed in a position which the Commission has determined*
10 *requires a person who is qualified as a peace officer* is a peace
11 officer and has police power for the enforcement of the provisions
12 of:

13 1. Chapters 706 and 712 of NRS and all regulations of the
14 ~~[Transportation Services Authority]~~ *Public Utilities Commission of*
15 *Nevada* or the Department of Motor Vehicles pertaining thereto; and

16 2. Chapter 482 of NRS and NRS 483.230, 483.350 and
17 483.530 to 483.620, inclusive, for the purposes of carrying out the
18 provisions of chapter 706 of NRS.

19 **Sec. 9.** NRS 289.470 is hereby amended to read as follows:

20 289.470 "Category II peace officer" means:

21 1. The Bailiff of the Supreme Court;

22 2. The bailiffs of the district courts, justice courts and
23 municipal courts whose duties require them to carry weapons and
24 make arrests;

25 3. Constables and their deputies whose official duties require
26 them to carry weapons and make arrests;

27 4. ~~[Inspectors employed by the Transportation Services~~
28 ~~Authority]~~ *Employees of the Public Utilities Commission of*
29 *Nevada specified in NRS 289.320* who exercise those powers of
30 enforcement conferred by chapters 706 and 712 of NRS;

31 5. Parole and probation officers;

32 6. Special investigators who are employed ~~[fulltime]~~ *full-time*
33 by the office of any district attorney or the Attorney General;

34 7. Investigators of arson for fire departments who are specially
35 designated by the appointing authority;

36 8. The assistant and deputies of the State Fire Marshal;

37 9. The brand inspectors of the State Department of Agriculture
38 who exercise the powers of enforcement conferred by chapter 565
39 of NRS;

40 10. The field agents and inspectors of the State Department of
41 Agriculture who exercise the powers of enforcement conferred by
42 NRS 561.225;

43 11. Investigators for the State Forester Firewarden who are
44 specially designated by him and whose primary duties are related to
45 the investigation of arson;



12. School police officers employed by the board of trustees of any county school district;

13. Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

14. Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

15. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

16. Legislative police officers of the State of Nevada;

17. The personnel of the Capitol Police Division of the Department of Public Safety appointed pursuant to subsection 2 of NRS 331.140;

18. Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

19. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

20. Field investigators of the Taxicab Authority;

21. Security officers employed ~~[fulltime]~~ *full-time* by a city or county whose official duties require them to carry weapons and make arrests;

22. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department; and

23. Criminal investigators who are employed by the Secretary of State.

Sec. 10. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

(a) Sold;

(b) Exchanged for any thing or service;

(c) Removed from the State in a form ready for use or sale; or



(d) Used in a manufacturing process or in providing a service,
→ during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

(a) The actual cost of extracting the mineral.

(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(c) The actual cost of reduction, refining and sale.

(d) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.

(e) The actual cost of maintenance and repairs of:

(1) All machinery, equipment, apparatus and facilities used in the mine.

(2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada. ~~for the Transportation Services Authority.~~

(f) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e).

(g) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

(h) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(i) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

(j) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(k) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.



1 4. Royalties deducted by a lessee or sublessee constitute part of
2 the net proceeds of the minerals extracted, upon which a tax must be
3 levied against the person to whom the royalty has been paid.

4 5. Every person acquiring property in the State of Nevada to
5 engage in the extraction of minerals and who incurs any of the
6 expenses mentioned in subsection 3 shall report those expenses and
7 the recipient of any royalty to the Department on forms provided by
8 the Department.

9 6. The several deductions mentioned in subsection 3 do not
10 include any expenditures for salaries, or any portion of salaries, of
11 any person not actually engaged in:

12 (a) The working of the mine;

13 (b) The operating of the mill, smelter or reduction works;

14 (c) The operating of the facilities or equipment for
15 transportation;

16 (d) Superintending the management of any of those operations;
17 or

18 (e) The State of Nevada, in office, clerical or engineering work
19 necessary or proper in connection with any of those operations.

20 **Sec. 11.** NRS 371.070 is hereby amended to read as follows:

21 371.070 Upon the registration for the first time in this State
22 after the beginning of the registration ~~[year]~~ of a vehicle which is
23 registered pursuant to the provisions of NRS 706.801 to 706.861,
24 inclusive, or which has a declared gross weight in excess of 26,000
25 pounds, the amount of the governmental services tax must be
26 reduced one-twelfth for each month which has elapsed since the
27 beginning of ~~[such year.]~~ *the registration.*

28 **Sec. 12.** NRS 371.080 is hereby amended to read as follows:

29 371.080 If any vehicle which is registered pursuant to the
30 provisions of NRS 706.801 to 706.861, inclusive, or has a declared
31 gross weight in excess of 26,000 pounds, and which is exempt from
32 the governmental services tax pursuant to NRS 371.100 ceases to be
33 exempt after the beginning of the registration ~~[year]~~ by reason of a
34 change of ownership, the amount of the tax must be reduced one-
35 twelfth for each month which has elapsed since the beginning of that
36 ~~[year.]~~ *registration.*

37 **Sec. 13.** NRS 392.330 is hereby amended to read as follows:

38 392.330 1. In addition to the purposes authorized by NRS
39 392.320, a board of trustees may use transportation funds of the
40 school district for:

41 (a) Arranging and paying for transportation, in accordance with
42 subsection 2, by motor vehicles or otherwise, by contract or such
43 other arrangement as the board of trustees finds most economical,
44 expedient and feasible and for the best interests of the school
45 district.



(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company, ~~holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or~~ bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the ~~Transportation Services Authority.]~~ *Public Utilities Commission of Nevada.*

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the State Board against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 14. NRS 422.2705 is hereby amended to read as follows:

422.2705 1. The Department shall, to the extent authorized by federal law, contract with a common motor carrier ~~or~~ *or* a contract motor carrier ~~for a broker~~ for the provision of transportation services to recipients of Medicaid or recipients of services pursuant to the Children's Health Insurance Program traveling to and returning from providers of services under the State Plan for Medicaid or the Children's Health Insurance Program.

2. The Director may adopt regulations concerning the qualifications of persons who may contract with the Department to provide transportation services pursuant to this section.

3. The Director shall:

(a) Require each motor carrier that has contracted with the Department to provide transportation services pursuant to this section to submit proof to the Department of a liability insurance policy, certificate of insurance or surety which is substantially equivalent in form to and is in the same amount or in a greater amount than the policy, certificate or surety required by the Department of Motor Vehicles pursuant to NRS 706.291 for a similarly situated motor carrier; and

(b) Establish a program, with the assistance of the ~~Transportation Services Authority of the Department of Business and Industry,]~~ *Public Utilities Commission of Nevada,* to inspect the vehicles which are used to provide transportation services pursuant to this section to ensure that the vehicles and their operation are safe.



4. As used in this section:

(a) ~~["Broker" has the meaning ascribed to it in NRS 706.021.~~

~~(b)~~ "Common motor carrier" has the meaning ascribed to it in NRS 706.036.

~~(c)~~ (b) "Contract motor carrier" has the meaning ascribed to it in NRS 706.051.

Sec. 15. NRS 445B.200 is hereby amended to read as follows:

445B.200 1. The State Environmental Commission is hereby created within the Department. The Commission consists of:

(a) The Director of the Department of Wildlife;

(b) The State Forester Firewarden;

(c) The State Engineer;

(d) The Director of the State Department of Agriculture;

(e) The Administrator of the Division of Minerals of the Commission on Mineral Resources;

(f) A member of the State Board of Health to be designated by that Board; and

(g) Five members appointed by the Governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The Governor shall appoint the Chairman of the Commission from among the members of the Commission.

3. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.

5. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has received during the previous 2 years a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the Commission. The provisions of this subsection do not apply to any person who receives, or has received during the previous 2 years, a significant portion of his income from any department or agency of State Government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.



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7. The Department shall provide technical advice, support and assistance to the Commission. All state officers, departments, commissions and agencies, including the Department of Transportation, the Department of Health and Human Services, the Nevada System of Higher Education, the State Public Works Board, the Department of Motor Vehicles, the Department of Public Safety, the Public Utilities Commission of Nevada ~~[, the Transportation Services Authority]~~ and the State Department of Agriculture may also provide technical advice, support and assistance to the Commission.

Sec. 16. NRS 703.025 is hereby amended to read as follows:

703.025 1. The Commission, by majority vote, shall organize the Commission into sections, alter the organization of the Commission and reassign responsibilities and duties of the sections of the Commission as the Commission deems necessary to provide:

(a) Advice and guidance to the Commission on economic policies relating to utilities *and transportation services* under the jurisdiction of the Commission, and the regulation of such utilities ~~[,]~~ *and transportation services;*

(b) Administrative, technical, legal and support services to the Commission; and

(c) For the regulation of utilities governed by the Commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The Commission shall:

(a) Formulate the policies of the various sections of the Commission;

(b) Coordinate the activities of the various sections of the Commission;

(c) If customers are authorized by a specific statute to obtain a competitive, discretionary or potentially competitive utility service, take any actions which are consistent with the statute and which are necessary to encourage and enhance:

(1) A competitive market for the provision of that utility service to customers in this State; and

(2) The reliability and safety of the provision of that utility service within that competitive market; and

(d) Adopt such regulations consistent with law as the Commission deems necessary for the operation of the Commission and the enforcement of all laws administered by the Commission.

3. Before reorganizing the Commission, the Commission shall submit the plan for reorganization to:



(a) The Director of the Legislative Counsel Bureau for transmittal to the appropriate legislative committee and the Interim Finance Committee; and

(b) The Director of the Department of Administration.

Sec. 17. NRS 703.085 is hereby amended to read as follows:

703.085 1. A majority of the commissioners has full power to act in all matters within the jurisdiction of the Commission.

2. Before the Commission may enter a final order on a matter, there must be at least two commissioners who are able to act on the matter. If there are fewer than two commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled ~~H~~ or any other reason, the Governor shall appoint the requisite number of persons to serve as acting commissioners in the place of the commissioners who are unable to act on the matter so that there are at least two persons who are able to act on the matter, whether serving as a commissioner or an acting commissioner. If there are fewer than two commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled ~~H~~ or any other reason, and the Governor has not appointed the requisite number of persons to serve as acting commissioners pursuant to this subsection, the ~~[Deputy]~~ *Transportation Hearing* Commissioner appointed pursuant to subsection 1 of NRS 703.130 may serve as an acting commissioner.

3. Before the Governor may appoint a person to serve as an acting commissioner in the place of a commissioner who is unable to act on the matter, the person must be qualified to serve in the office of that commissioner as if the Governor were appointing the person to fill a vacancy in that office.

4. A person who is appointed or authorized to serve as an acting commissioner shall be deemed to be a commissioner and is entitled to exercise the powers of a commissioner only in proceedings before the Commission that involve the matter or matters for which the person is appointed or authorized to serve as an acting commissioner.

5. A person who is appointed to serve as an acting commissioner:

(a) Is subject to all legal requirements and restrictions and enjoys all legal protections and immunities that apply to a commissioner and to state officers generally while the person is engaged in the business of the Commission as an acting commissioner; and

(b) Is entitled to receive, for each day the person is engaged in the business of the Commission as an acting commissioner, a salary of \$80 and the per diem allowance and travel expenses provided for



1 state officers and employees generally. The person is not entitled to
2 receive any other compensation for serving as an acting
3 commissioner.

4 6. A person who is appointed to serve as an acting
5 commissioner serves at the pleasure of the Governor. The
6 appointment of the person expires:

7 (a) On the date that the Governor declares that the appointment
8 has expired; or

9 (b) On the date that the matter or matters for which the person
10 was appointed are no longer pending before the Commission,
11 ➤ whichever date occurs earlier.

12 7. The Governor may reappoint a person to serve as an acting
13 commissioner.

14 **Sec. 18.** NRS 703.130 is hereby amended to read as follows:

15 703.130 1. The ~~{Commission}~~ **Governor** shall appoint a
16 ~~{Deputy Commissioner who shall serve in the unclassified service of~~
17 ~~the State.}~~ **person who has at least 2 years of experience in one or**
18 **more fields listed in subsection 2 of NRS 703.030 to serve as the**
19 **Transportation Hearing Commissioner. The Transportation**
20 **Hearing Commissioner serves for a term of 4 years and shall**
21 **preside, as assigned by the Chairman, over transportation cases**
22 **under the jurisdiction of the Commission. The Transportation**
23 **Hearing Commissioner is not a member of the Commission.**

24 2. The Commission shall appoint a Secretary who shall
25 perform such administrative and other duties as are prescribed by
26 the Commission. The Commission shall also appoint an Assistant
27 Secretary.

28 3. The Commission may employ ~~{such}~~ **:**

29 (a) **Such** other clerks, experts , ~~{or}~~ **engineers or other persons**
30 **as may be necessary** ~~{;}~~ **; and**

31 (b) **Peace officers in any position it deems necessary for the**
32 **regulation of transportation services which are under the**
33 **jurisdiction of the Commission.**

34 4. Except as otherwise provided in subsection 5, the
35 Commission:

36 (a) May appoint one or more hearing officers for a period
37 specified by the Commission to conduct proceedings or hearings
38 that may be conducted by the Commission pursuant to NRS 702.160
39 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of
40 NRS.

41 (b) **May appoint one or more hearing officers for a period**
42 **specified by the Commission to conduct proceedings or hearings**
43 **that may be conducted by the Commission pursuant to chapter 706**
44 **of NRS.**



1 (c) Shall prescribe by regulation the procedure for appealing a
2 decision of a hearing officer to the Commission.

3 5. The Commission shall not appoint a hearing officer to
4 conduct proceedings or hearings:

5 (a) In any matter pending before the Commission pursuant to
6 NRS 704.7561 to 704.7595, inclusive; or

7 (b) In any matter pending before the Commission pursuant to
8 NRS 704.061 to 704.110, inclusive, in which an electric utility has
9 filed a general rate application or an application to clear its deferred
10 accounts.

11 6. As used in this section, "electric utility" has the meaning
12 ascribed to it in NRS 704.187.

13 **Sec. 19.** NRS 703.150 is hereby amended to read as follows:

14 703.150 The Commission shall supervise and regulate the
15 operation and maintenance of public utilities , *fully regulated*
16 *carriers* and other persons named and defined in chapters 704, 704A
17 ~~{and}~~ , 706, 708 *and 712* of NRS pursuant to the provisions of those
18 chapters.

19 **Sec. 20.** NRS 706.151 is hereby amended to read as follows:

20 706.151 1. It is hereby declared to be the purpose and policy
21 of the Legislature in enacting this chapter:

22 (a) Except to the extent otherwise provided in NRS 706.881 to
23 706.885, inclusive, to confer upon the ~~{Authority}~~ *Commission*, the
24 power , and to make it the duty of the ~~{Authority}~~ *Commission*, to
25 regulate fully regulated carriers ~~{ }~~ *and* operators of tow cars ~~{and~~
26 ~~brokers of regulated services}~~ to the extent provided in this chapter
27 and to confer upon the Department of Motor Vehicles the power to
28 license all motor carriers and to make it the duty of the Department
29 of Motor Vehicles and the Department of Public Safety to enforce
30 the provisions of this chapter and the regulations adopted by the
31 ~~{Authority}~~ *Commission* pursuant to it, to relieve the undue burdens
32 on the highways arising by reason of the use of the highways by
33 vehicles in a gainful occupation thereon.

34 (b) To provide for reasonable compensation for the use of the
35 highways in gainful occupations, and enable the State of Nevada, by
36 using license fees, to provide for the proper construction,
37 maintenance and repair thereof, and thereby protect the safety and
38 welfare of the traveling and shipping public in their use of the
39 highways.

40 (c) To provide for fair and impartial regulation, to promote safe,
41 adequate, economical and efficient service and to foster sound
42 economic conditions in motor transportation.

43 (d) To encourage the establishment and maintenance of
44 reasonable charges for:

45 (1) Intrastate transportation by fully regulated carriers; and



(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

↳ without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 21. NRS 706.1514 is hereby amended to read as follows:

~~706.1514 1. A majority of the members of the Authority may exercise all of the power and conduct the business of the Authority relating to common or contract carriers, taxicabs, and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.~~

~~2. Except as otherwise provided in this subsection, public hearings must be conducted by one or more members of the Authority.]~~ An administrative proceeding conducted pursuant to

~~[subsection 2 of NRS 706.771]~~ *this chapter* may be conducted by ~~[a]~~ *the Transportation Hearing Commissioner or any other hearing officer designated by the Chairman of the [Authority.] Commission. An order of impoundment issued pursuant to NRS 706.476 by such a hearing officer or the Transportation Hearing Commissioner is a final order of the Commission for purposes of judicial review.*

Sec. 22. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The Transportation ~~[Services—Authority]~~ Regulatory Fund is hereby created as a special revenue fund. ~~[All]~~ *Except as otherwise provided in NRS 703.147, all* money collected by the ~~[Authority]~~ *Commission* pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the ~~[Authority.]~~ *Commission pursuant to this chapter and chapter 712 of NRS.*

(b) Participating in all proceedings relevant to the jurisdiction of the ~~[Authority.]~~ *Commission.*

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the ~~[Authority.]~~ *Commission relating to*



1 *transportation services set forth in this chapter and chapter 712 of*
2 *NRS.*

3 3. All claims against the Fund must be paid as other claims
4 against the State are paid.

5 4. The ~~[Authority]~~ *Commission* must furnish upon request a
6 statement showing the balance remaining in the Fund as of the close
7 of the preceding fiscal year.

8 **Sec. 23.** NRS 706.1517 is hereby amended to read as follows:

9 706.1517 Employees of the ~~[Authority]~~ *Commission* who are
10 peace officers may carry firearms in the performance of their duties.

11 **Sec. 24.** NRS 706.156 is hereby amended to read as follows:

12 706.156 1. All common and contract motor carriers ~~and~~
13 ~~brokers~~ are hereby declared to be, to the extent provided in this
14 chapter:

15 (a) Affected with a public interest; and

16 (b) Subject to NRS 706.011 to 706.791, inclusive.

17 2. A purchaser ~~for broker~~ of transportation services which are
18 provided by a common motor carrier who holds a certificate of
19 public convenience and necessity may resell those services, in
20 combination with other services and facilities that are not related to
21 transportation, but only in a manner complying with the scope of
22 authority set forth in the certificate of the common motor carrier.
23 The ~~[Authority]~~ *Commission* shall not prohibit or restrict such a
24 purchaser ~~for broker~~ from reselling those transportation services to
25 any person based upon that person's affiliation, or lack of affiliation,
26 with any group.

27 **Sec. 25.** NRS 706.166 is hereby amended to read as follows:

28 706.166 The ~~[Authority]~~ *Commission* shall:

29 1. ~~[Subject to the limitation provided in NRS 706.168 and to]~~
30 *To* the extent provided in this chapter, supervise and regulate:

31 (a) Every fully regulated carrier ~~and broker of regulated~~
32 ~~services~~ in this State in all matters directly related to those activities
33 of the motor carrier ~~and broker~~ actually necessary for the
34 transportation of persons or property, including the handling and
35 storage of that property, over and along the highways.

36 (b) Every operator of a tow car concerning the rates and charges
37 assessed for towing services performed without the prior consent of
38 the operator of the vehicle or the person authorized by the owner to
39 operate the vehicle and pursuant to the provisions of NRS 706.011
40 to 706.791, inclusive.

41 2. Supervise and regulate the storage of household goods and
42 effects in warehouses and the operation and maintenance of such
43 warehouses in accordance with the provisions of this chapter and
44 chapter 712 of NRS.



3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the ~~[Authority]~~ *Commission* or the Department by:

(a) Providing training in safety;
(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➤ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

~~[5. — Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.]~~

Sec. 26. NRS 706.1715 is hereby amended to read as follows:

706.1715 ~~[1. — The Attorney General shall:~~

~~— (a) Act as counsel and attorney for the Authority in all actions, proceedings and hearings.~~

~~— (b) Prosecute in the name of the Transportation Services Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.~~

~~— (c) Generally aid the Authority in the performance of its duties and the enforcement of this chapter.~~

~~— 2.]~~ The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.

Sec. 27. NRS 706.1717 is hereby amended to read as follows:

706.1717 The ~~[Authority]~~ *Commission* may, in carrying out its duties ~~[:] pursuant to this chapter:~~



1 1. Cooperate with the Federal Government and its departments
2 and agencies.

3 2. Confer with the regulatory agencies of other states on
4 matters of mutual concern and benefit to persons served by motor
5 carriers of this State.

6 3. Use the services, records, facilities and cooperation of
7 federal and state regulatory agencies, and hold joint hearings and
8 participate in joint conferences to reach decisions in matters that
9 require cooperation. All necessary expenses incurred in attending
10 hearings and conferences outside this State are a charge against the
11 State and must be paid as other claims against the State are paid.

12 **Sec. 28.** NRS 706.172 is hereby amended to read as follows:

13 706.172 1. Except as otherwise provided in subsection 2, any
14 member of the ~~[Authority]~~ *Commission* or any officer or employee
15 of the ~~[Authority]~~ *Commission* who is designated by the ~~[Authority]~~
16 *Commission* may examine , during ~~[the]~~ regular business hours , the
17 books, accounts, records, minutes, papers and property of any
18 person who is regulated by the ~~[Authority]~~ *Commission pursuant to*
19 *this chapter* and who does business in this State, whether or not the
20 book, account, record, minutes, paper or property is located within
21 this State.

22 2. No personnel records of an employee may be examined
23 pursuant to subsection 1 unless the records contain information
24 relating to a matter of public safety or the ~~[Authority]~~ *Commission*
25 determines that the examination is required to protect the interests of
26 the public.

27 3. As used in this section, "personnel records" does not
28 include:

- 29 (a) The name of the employee who is the subject of the record;
30 (b) The gross compensation and perquisites of the employee;
31 (c) Any record of the business expenses of the employee;
32 (d) The title or any description of the position held by the
33 employee;
34 (e) The qualifications required for the position held by the
35 employee;
36 (f) The business address of the employee;
37 (g) The telephone number of the employee at his place of
38 business;
39 (h) The work schedule of the employee;
40 (i) The date on which the employee began his employment; and
41 (j) If applicable, the date on which the employment of the
42 employee was terminated.

43 **Sec. 29.** NRS 706.1725 is hereby amended to read as follows:

44 706.1725 1. Any books, accounts, records, minutes, papers
45 and property of any carrier that are subject to examination pursuant



1 to NRS ~~706.1518 and~~ 706.172, and are made available to the
2 ~~[Authority.] Commission~~, any officer or employee of the
3 ~~[Authority.] Commission~~ or any other person under the condition
4 that the disclosure of such information to the public be withheld or
5 otherwise limited, must not be disclosed to the public unless the
6 ~~[Authority.] Commission~~ first determines that the disclosure is
7 justified.

8 2. The ~~[Authority.] Commission~~ shall take such actions as are
9 necessary to protect the confidentiality of such information,
10 including, without limitation:

11 (a) Granting such protective orders as it deems necessary; and

12 (b) Holding closed hearings to receive or examine such
13 information.

14 3. If the ~~[Authority.] Commission~~ closes a hearing to receive or
15 examine such information, it shall:

16 (a) Restrict access to the records and transcripts of such hearings
17 without the prior approval of the ~~[Authority.] Commission~~ or an
18 order of a court of competent jurisdiction authorizing access to the
19 records or transcripts; and

20 (b) Prohibit any participant at such a hearing from disclosing
21 such information without the prior authorization of the ~~[Authority.]~~
22 ~~Commission.~~

23 4. The ~~[Authority.] Commission~~ shall consider in an open
24 meeting whether the information reviewed or examined in a closed
25 hearing may be disclosed without revealing the confidential subject
26 matter of the information. To the extent the ~~[Authority.] Commission~~
27 determines the information may be disclosed, the information must
28 become a part of the records available to the public. Information that
29 the ~~[Authority.] Commission~~ determines may not be disclosed must
30 be kept under seal.

31 **Sec. 30.** NRS 706.197 is hereby amended to read as follows:

32 706.197 1. The ~~[Authority.] Commission~~ may collect fees for
33 the filing of any official document required by this chapter or by a
34 regulation of the ~~[Authority.] Commission.~~

35 2. Filing fees may not exceed:

36 (a) For applications, *in addition to any amount required*
37 *pursuant to paragraph (b) of subsection 5 of NRS 706.391*, \$200.

38 (b) For petitions seeking affirmative relief, \$200.

39 (c) For each tariff page that requires public notice and is not
40 attached to an application, \$10. If more than one page is filed at one
41 time, the total fee may not exceed the cost of notice and publication.

42 (d) For all other documents that require public notice, \$10.

43 3. If an application or other document is rejected by the
44 ~~[Authority.] Commission~~ because it is inadequate or inappropriate,
45 the filing fee must be returned.



4. The ~~[Authority]~~ *Commission* may not charge any fee for filing a complaint. *The provisions of this subsection do not prohibit the Commission from ordering the payment of an assessment concerning a complaint pursuant to NRS 706.286.*

Sec. 31. NRS 706.201 is hereby amended to read as follows:

706.201 To the extent that such costs cannot be paid ~~[for]~~ from the Transportation ~~[Services-Authority]~~ Regulatory Fund, the costs of administration of this chapter must be paid from the State Highway Fund on claims presented by the ~~[Authority]~~ *Commission* or *the* Department, approved by the State Board of Examiners.

Sec. 32. NRS 706.226 is hereby amended to read as follows:

706.226 No common, contract or private motor carrier may operate on any highway ~~[nor any broker of regulated services]~~ *or* engage in business in this State except in accordance with the provisions of this chapter.

Sec. 33. NRS 706.2855 is hereby amended to read as follows:

706.2855 1. If the ~~[Authority]~~ *Commission* finds, after notice and hearing, that a person has violated NRS 706.285, the ~~[Authority]~~ *Commission* may, in addition to any penalty, punishment or disciplinary action authorized by this chapter, petition a court of competent jurisdiction for an injunction prohibiting the person from continuing to:

(a) Engage in advertising that violates the provisions of NRS 706.285; or

(b) Use any telephone number mentioned in such advertising for any purpose.

2. If the court finds that the respondent has engaged in advertising that is unlawful pursuant to NRS 706.285, the court shall:

(a) Enjoin him from continuing the advertising.

(b) Enjoin him from using the telephone number mentioned in the advertising for any purpose.

(c) Issue an order that requires the telephone number mentioned in the advertising to be disconnected.

(d) Forward a copy of the order to the appropriate provider of telephone service within 5 days after issuing the order.

3. As used in this section, "provider of telephone service" includes, but is not limited to:

(a) A public utility furnishing telephone service.

(b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 34. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person ~~[]~~ that:



(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,
➔ the ~~[Authority]~~ *Commission* shall investigate the complaint. After receiving the complaint, the ~~[Authority]~~ *Commission* shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the ~~[Authority]~~ *Commission* with its written response to the complaint according to the regulations of the ~~[Authority.]~~ *Commission.*

2. If the ~~[Authority]~~ *Commission* determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

4. In the final order concerning the complaint, the Commission may order the payment of an assessment of costs against the complainant based on the merits of the complaint and the findings of the Commission.

Sec. 35. NRS 706.2865 is hereby amended to read as follows:

706.2865 1. When, in any matter pending before the ~~[Authority.]~~ *Commission pursuant to this chapter*, a hearing is required by law, or is normally required by the ~~[Authority, the~~ *Authority]* *Commission, the Commission* shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The ~~[Authority]~~ *Commission* shall by regulation specify:

(a) The manner of giving notice; and

(b) Where not specified by law, the persons entitled to notice in each type of proceeding.

2. Unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the ~~[Authority]~~ *Commission* a request that the hearing be held, the



1 ~~[Authority]~~ *Commission* may dispense with a hearing and act upon
2 the matter pending.

3 3. If a request for a hearing is filed, the ~~[Authority]~~
4 *Commission* shall give at least 10 days' notice of the hearing.

5 4. If an operator of a tow car files an application for a
6 certificate of public convenience and necessity or an application to
7 transfer a certificate of public convenience and necessity with the
8 ~~[Authority, the Authority]~~ *Commission, the Commission* shall give
9 notice pursuant to the provisions of subsection 1.

10 **Sec. 36.** NRS 706.2873 is hereby amended to read as follows:

11 706.2873 ~~[1.]~~ A complete record must be kept of all hearings
12 before the ~~[Authority,]~~ *Commission*, and all testimony must be
13 taken down by the stenographer appointed by the ~~[Authority,]~~
14 *Commission* or, under the direction of any competent person
15 appointed by the ~~[Authority,]~~ *Commission*, reported by sound
16 recording equipment in the manner authorized for reporting
17 testimony in district courts. The testimony reported by a
18 stenographer must be transcribed and filed with the record in the
19 matter. The ~~[Authority]~~ *Commission* may by regulation provide for
20 the transcription or safekeeping of sound recordings. The costs of
21 recording and transcribing testimony at any hearing, except those
22 hearings ordered pursuant to NRS 706.286 , must be paid by the
23 applicant. If a complaint is made pursuant to NRS 706.286 by a
24 customer or by a political subdivision of this State or a municipal
25 organization, the complainant is not liable for any costs. Otherwise,
26 if there are several applicants or parties to any hearing, the
27 ~~[Authority]~~ *Commission* may apportion the costs among them in its
28 discretion.

29 ~~[2.—Whenever any petition is served upon the Authority, before~~
30 ~~the action is reached for trial, the Authority shall file a certified copy~~
31 ~~of all proceedings and testimony taken with the clerk of the court in~~
32 ~~which the action is pending.~~

33 ~~—3.— A copy of the proceedings and testimony must be furnished~~
34 ~~to any party, on payment of a reasonable amount, to be fixed by the~~
35 ~~Authority, and the amount must be the same for all parties.~~

36 ~~—4.— The provisions of this section do not prohibit the Authority~~
37 ~~from restricting access to the records and transcripts of a hearing~~
38 ~~pursuant to subsection 2 of NRS 706.1725.]~~

39 **Sec. 37.** NRS 706.288 is hereby amended to read as follows:

40 706.288 The ~~[Authority]~~ *Commission* may require, by order to
41 be served on any person regulated by the ~~[Authority]~~ *Commission*
42 *pursuant to this chapter* in the same manner as a subpoena in a civil
43 action, the production at a time and place designated by the
44 ~~[Authority]~~ *Commission* of any books, accounts, papers or records
45 kept by the person in any office or place outside this State, or



1 verified copies in lieu thereof if the [Authority] *Commission* so
2 directs, so that an examination may be made by the [Authority]
3 *Commission* or under its direction, or for use as testimony.

4 **Sec. 38.** NRS 706.2885 is hereby amended to read as follows:

5 706.2885 1. A certificate of public convenience and
6 necessity, permit or license issued in accordance with this chapter is
7 not a franchise and may be revoked.

8 2. The [Authority] *Commission* may at any time, for good
9 cause shown, after investigation and hearing and upon 5 days'
10 written notice to the grantee, suspend any certificate, permit or
11 license issued in accordance with the provisions of NRS 706.011 to
12 706.791, inclusive, for a period not to exceed 60 days.

13 3. Upon receipt of a written complaint or on its own motion,
14 the [Authority] *Commission* may, after investigation and hearing,
15 revoke any certificate, permit or license. If service of the notice
16 required by subsection 2 cannot be made or if the grantee
17 relinquishes his interest in the certificate, permit or license by so
18 notifying the [Authority] *Commission* in writing, the [Authority]
19 *Commission* may revoke the certificate, permit or license without a
20 hearing.

21 4. The proceedings thereafter are governed by the provisions of
22 chapter 233B of NRS.

23 **Sec. 39.** NRS 706.291 is hereby amended to read as follows:

24 706.291 1. The [Authority] *Commission* shall require every
25 fully regulated carrier and every operator of a tow car, within such
26 time and in such amounts as the [Authority] *Commission* may
27 designate, to file with the [Authority] *Commission*, in a form
28 required and approved by the [Authority] *Commission*, a liability
29 insurance policy, or a certificate of insurance in lieu thereof, or a
30 bond of a surety company, or other surety, in such reasonable sum
31 as the [Authority] *Commission* may deem necessary to protect
32 adequately the interests of the public.

33 2. The Department shall require every other common and
34 contract motor carrier and every private carrier, within such time
35 and in such amounts as the Department may designate, to file with
36 the Department , in a form required and approved by the
37 Department , a liability insurance policy, or a certificate of
38 insurance in lieu thereof, a bond of a surety company, or other
39 surety, in such reasonable sum as the Department may deem
40 necessary to protect adequately the interests of the public. In
41 determining the amount of liability insurance or other surety
42 required of a carrier pursuant to this subsection, the Department
43 shall create a separate category for vehicles with a manufacturer's
44 gross vehicle weight rating of less than 26,000 pounds and impose a
45 lesser requirement with respect to such vehicles.



3. The liability insurance policy or certificate, policy or bond of a surety company or other surety must bind the obligors thereunder to pay the compensation for injuries to persons or for loss or damage to property resulting from the negligent operation of the carrier.

4. The ~~[Authority]~~ *Commission* and the Department may jointly prescribe by regulation the respective amounts and forms required by subsections 1 and 2.

Sec. 40. NRS 706.303 is hereby amended to read as follows:

706.303 The ~~[Authority]~~ *Commission* shall adopt regulations requiring all operators of horse-drawn vehicles subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each such vehicle. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, \$500,000; and

(c) For injury to or destruction of property in any one accident, \$50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, \$500,000.

Sec. 41. NRS 706.305 is hereby amended to read as follows:

706.305 The ~~[Authority]~~ *Commission* shall adopt regulations requiring all operators of taxicabs subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each taxicab. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, \$500,000; and

(c) For injury to or destruction of property in any one accident, \$50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, \$500,000.



Sec. 42. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the ~~[Authority:]~~ **Commission:**

(a) Within a time to be fixed by the ~~[Authority:]~~ **Commission**, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. Every operator of a tow car shall file with the ~~[Authority:]~~ **Commission:**

(a) Within a time to be fixed by the ~~[Authority:]~~ **Commission**, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the ~~[Authority:]~~ **Commission**, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The ~~[Authority:]~~ **Commission**, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the ~~[Authority:]~~ **Commission** 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the ~~[Authority:]~~ **Commission**.



1 4. The ~~[Authority]~~ **Commission** may at any time, upon its own
2 motion, investigate any of the rates, fares, charges, regulations,
3 practices and services filed pursuant to this section and, after
4 hearing, by order, **may** make such changes as may be just and
5 reasonable.

6 5. The ~~[Authority]~~ **Commission** may dispense with the hearing
7 on any change requested in rates, fares, charges, regulations,
8 practices or service filed pursuant to this section.

9 6. All rates, fares, charges, classifications and joint rates,
10 regulations, practices and services fixed by the ~~[Authority]~~
11 **Commission** are in force, and are prima facie lawful, from the date
12 of the order until changed or modified by the ~~[Authority, or pursuant~~
13 ~~to NRS 706.2883.]~~ **Commission**.

14 7. All regulations, practices and service prescribed by the
15 ~~[Authority]~~ **Commission** must be enforced and are prima facie
16 reasonable unless suspended or found otherwise in an action brought
17 for the purpose, or until changed or modified by the ~~[Authority]~~
18 **Commission** itself upon satisfactory showing made.

19 **Sec. 43.** NRS 706.323 is hereby amended to read as follows:

20 706.323 1. Except as otherwise provided in subsection 2, the
21 ~~[Authority]~~ **Commission** may not investigate, suspend, revise or
22 revoke any rate that is subject to the approval of the ~~[Authority]~~
23 **Commission** pursuant to NRS 706.321 and proposed by a common
24 motor carrier or contract motor carrier because the rate is too high or
25 too low and therefore unreasonable if:

26 (a) The motor carrier notifies the ~~[Authority]~~ **Commission** that it
27 wishes to have the rate reviewed by the ~~[Authority]~~ **Commission**
28 pursuant to this subsection; and

29 (b) The rate resulting from all increases or decreases within 1
30 year is not more than 10 percent above or 10 percent below the rate
31 in effect 1 year before the effective date of the proposed rate.

32 2. This section does not limit the authority of the
33 ~~[Transportation Services Authority]~~ **Commission** to investigate,
34 suspend, revise or revoke a proposed rate if the rate would violate
35 the provisions of NRS 706.151.

36 **Sec. 44.** NRS 706.326 is hereby amended to read as follows:

37 706.326 1. Whenever there is filed with the ~~[Authority]~~
38 **Commission** pursuant to NRS 706.321 any schedule or tariff stating
39 a new or revised individual or joint rate, fare or charge, or any new
40 or revised individual or joint regulation or practice affecting any
41 rate, fare or charge, or any schedule or tariff resulting in a
42 discontinuance, modification or restriction of service, the
43 ~~[Authority]~~ **Commission** may commence an investigation or, upon
44 reasonable notice, hold a hearing concerning the propriety of the



1 rate, fare, charge, classification, regulation, discontinuance,
2 modification, restriction or practice.

3 2. Pending the investigation or hearing and the decision
4 thereon, the ~~[Authority,]~~ *Commission*, upon delivering to the
5 common or contract motor carrier affected thereby a statement in
6 writing of its reasons for the suspension, may suspend the operation
7 of the schedule or tariff and defer the use of the rate, fare, charge,
8 classification, regulation, discontinuance, modification, restriction
9 or practice, but not for a longer period than 150 days beyond the
10 time when the rate, fare, charge, classification, regulation,
11 discontinuance, modification, restriction or practice would
12 otherwise go into effect.

13 3. After full investigation or hearing, whether completed before
14 or after the date upon which the rate, fare, charge, classification,
15 regulation, discontinuance, modification, restriction or practice is to
16 go into effect, the ~~[Authority]~~ *Commission* may make such order in
17 reference to the rate, fare, charge, classification, regulation,
18 discontinuance, modification, restriction or practice as would be
19 proper in a proceeding initiated after the rate, fare, charge,
20 classification, regulation, discontinuance, modification, restriction
21 or practice has become effective.

22 4. The ~~[Authority]~~ *Commission* shall determine whether it is
23 necessary to hold a hearing to consider the proposed change in any
24 schedule stating a new or revised individual or joint rate, fare or
25 charge. In making that determination, the ~~[Authority]~~ *Commission*
26 shall consider all timely written protests, any presentation the staff
27 of the ~~[Authority]~~ *Commission* may desire to present, the
28 application and any other matters deemed relevant by the
29 ~~[Authority.]~~ *Commission*.

30 **Sec. 45.** NRS 706.443 is hereby amended to read as follows:

31 706.443 1. The provisions of NRS 706.442 apply whether or
32 not the person providing the service has received authority to
33 operate from the ~~[Authority.]~~ *Commission*.

34 2. The ~~[Authority]~~ *Commission* shall enforce the provisions of
35 NRS 706.442 and consider complaints regarding violations of the
36 provisions of that section pursuant to the provisions of this chapter.
37 In addition to any other remedies, the ~~[Authority]~~ *Commission* may
38 order the release of any household goods that are being held by the
39 provider of service subject to the terms and conditions that the
40 ~~[Authority]~~ *Commission* determines to be appropriate and may
41 order the refund of overcharges.

42 3. The ~~[Authority]~~ *Commission* may use the remedies provided
43 in NRS 706.457, 706.461, 706.756, 706.761, 706.771 and 706.779
44 and any other remedy available under other law.



1 4. The ~~[Authority]~~ *Commission* shall adopt regulations
2 regarding the administration and enforcement of this section and
3 NRS 706.442.

4 **Sec. 46.** NRS 706.4463 is hereby amended to read as follows:

5 706.4463 1. In addition to the other requirements of this
6 chapter, each operator of a tow car shall, to protect the health, safety
7 and welfare of the public:

8 (a) Obtain a certificate of public convenience and necessity from
9 the ~~[Authority]~~ *Commission* before he provides any services other
10 than those services which he provides as a private motor carrier of
11 property pursuant to the provisions of this chapter;

12 (b) Use a tow car of sufficient size and weight which is
13 appropriately equipped to transport safely the vehicle which is being
14 towed; and

15 (c) Comply with the provisions of NRS 706.011 to 706.791,
16 inclusive.

17 2. A person who wishes to obtain a certificate of public
18 convenience and necessity to operate a tow car must file an
19 application with the ~~[Authority]~~ *Commission*.

20 3. The ~~[Authority]~~ *Commission* shall issue a certificate of
21 public convenience and necessity to an operator of a tow car if it
22 determines that the applicant:

23 (a) Complies with the requirements of paragraphs (b) and (c) of
24 subsection 1;

25 (b) Complies with the requirements of the regulations adopted
26 by the ~~[Authority]~~ *Commission* pursuant to the provisions of this
27 chapter;

28 (c) Has provided evidence that he has filed with the ~~[Authority]~~
29 *Commission* a liability insurance policy, a certificate of insurance or
30 a bond of a surety and bonding company or other surety required for
31 every operator of a tow car pursuant to the provisions of NRS
32 706.291; and

33 (d) Has provided evidence that he has filed with the ~~[Authority]~~
34 *Commission* schedules and tariffs pursuant to subsection 2 of
35 NRS 706.321.

36 4. An applicant for a certificate has the burden of proving to
37 the ~~[Authority]~~ *Commission* that the proposed operation will meet
38 the requirements of subsection 3.

39 5. The ~~[Authority]~~ *Commission* may hold a hearing to
40 determine whether an applicant is entitled to a certificate only if:

41 (a) Upon the expiration of the time fixed in the notice that an
42 application for a certificate of public convenience and necessity is
43 pending, a petition to intervene has been granted by the ~~[Authority];~~
44 *Commission*; or



(b) The ~~[Authority]~~ *Commission* finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 47. NRS 706.449 is hereby amended to read as follows:

706.449 The ~~[Authority]~~ *Commission* may impose an administrative fine pursuant to subsection 2 of NRS 706.771 on the owner or operator of a tow car who fails to pay in a timely manner any charge required to be paid by subsection 2 of NRS 484.631.

Sec. 48. NRS 706.451 is hereby amended to read as follows:

706.451 1. Each owner or operator of a tow car subject to the jurisdiction of the ~~[Authority]~~ *Commission* shall, before commencing to operate or continuing operation after July 1, 1971, and annually thereafter, pay to the ~~[Authority]~~ *Commission* for each tow car operated ~~[]~~ a fee of not more than \$36.

2. The fee provided in this section must be paid on or before January 1 of each year.

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year before July 1, 1971, for those tow cars lawfully operating on that date or before the commencement of operation of each tow car commencing operation after July 1, 1971.

4. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 49. NRS 706.476 is hereby amended to read as follows:

706.476 Except as otherwise provided in NRS 706.478:

1. A vehicle used as a taxicab, limousine or other passenger vehicle in passenger service, *a vehicle operated as a tow car or a vehicle used to transport household goods* must be impounded by the ~~[Authority]~~ *Commission* if a certificate of public convenience and necessity has not been issued authorizing its operation. A hearing must be held by the ~~[Authority no]~~ *Transportation Hearing Commissioner or other designated hearing officer not* later than the conclusion of the second normal business day after impoundment, weekends and holidays excluded. As soon as practicable after impoundment, the ~~[Authority]~~ *Commission* shall notify the registered owner of the vehicle:

(a) That the registered owner of the vehicle must post a bond in the amount of \$20,000 to ensure his presence at all proceedings held pursuant to this section;

(b) Of the time set for the hearing; and



(c) Of his right to be represented by counsel during all phases of the proceedings.

2. The ~~{Authority}~~ **Commission** shall hold the vehicle until the registered owner of the vehicle appears and:

(a) Proves that he is the registered owner of the vehicle;

(b) Proves that he holds a valid certificate of public convenience and necessity;

(c) Proves that the vehicle meets all required standards of the ~~{Authority}~~ **Commission**; and

(d) Posts a bond in the amount of \$20,000 with the ~~{Authority}~~ **Commission**.

➔ The ~~{Authority}~~ **Commission** shall return the vehicle to its registered owner when the owner meets the requirements of this subsection and pays all costs of impoundment.

3. If the registered owner is unable to meet the requirements of paragraph (b) or (c) of subsection 2, the ~~{Authority}~~ **Commission** may assess an administrative fine against the registered owner for each such violation in ~~{the amount of \$5,000. The maximum amount of the administrative fine that may be assessed against a registered owner for a single impoundment of his vehicle pursuant to this section is}~~ **an amount not to exceed** \$10,000. The ~~{Authority}~~ **Commission** shall return the vehicle after any administrative fine imposed pursuant to this subsection and all costs of impoundment have been paid.

Sec. 50. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, unless the person has been issued such a certificate or permit.

2. If, after notice and a hearing, the ~~{Authority}~~ **Commission** determines that a person has engaged in advertising in a manner that violates the provisions of this section, the ~~{Authority}~~ **Commission** may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or **to** disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.



3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that he receives an order pursuant to subsection 2, the ~~[Authority may request the Commission to]~~ *Commission may* order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date he receives an order pursuant to subsection 2, the ~~[Authority]~~ *Commission* may request the provider of paging services to switch the beeper number or *to* disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the ~~[Authority]~~ *Commission* pursuant to subsection 3, ~~it~~ *the provider of paging services* shall:

(a) Disconnect the paging service to the person; or

(b) Switch the beeper number of the paging service provided to the person.

➔ If the provider of paging services elects to switch the number pursuant to paragraph (b), the provider *of paging services* shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 51. NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier ~~for broker of any of these services~~ who refuses or fails for a period of 30 days to furnish the ~~[Authority]~~ *Commission* or *the* Department with any report required by either or who fails or refuses to permit any person authorized by the



1 ~~[Authority]~~ *Commission* or *the* Department to inspect such books,
2 accounts, records, minutes or papers on behalf of the ~~[Authority]~~
3 *Commission* or *the* Department is liable ~~[to]~~ *for* a penalty in a sum
4 of not less than \$300 nor more than \$500. The penalty may be
5 recovered ~~[in a civil action upon the complaint of the Authority or~~
6 ~~Department in any court of competent jurisdiction.]~~ *after providing*
7 *notice, hearing and entry of an administrative order.*

8 2. Each day's refusal or failure is a separate offense ~~[.]~~ and is
9 subject to the penalty prescribed in this section.

10 **Sec. 52.** NRS 706.881 is hereby amended to read as follows:

11 706.881 1. The provisions of NRS 706.8811 to 706.885,
12 inclusive, apply to any county:

13 (a) Whose population is 400,000 or more; or

14 (b) For whom regulation by the Taxicab Authority is not
15 required, if the board of county commissioners of the county has
16 enacted an ordinance approving the inclusion of the county within
17 the jurisdiction of the Taxicab Authority.

18 2. Upon receipt of a certified copy of such an ordinance from a
19 county for whom regulation by the Taxicab Authority is not
20 required, the Taxicab Authority shall exercise its regulatory
21 authority pursuant to NRS 706.8811 to 706.885, inclusive, within
22 that county.

23 3. Within any such county, the provisions of this chapter which
24 confer regulatory authority over taxicab motor carriers upon the
25 ~~[Transportation Services Authority]~~ *Public Utilities Commission of*
26 *Nevada* do not apply.

27 **Sec. 53.** NRS 706.8813 is hereby amended to read as follows:

28 706.8813 "Certificate holder" means a person who holds a
29 current certificate of public convenience and necessity which was
30 issued for the operation of a taxicab business by:

31 1. The Public Service Commission of Nevada before July 1,
32 1981, and which has not been transferred, revoked or suspended by
33 ~~[the Transportation Services Authority.]~~ the Taxicab Authority or
34 the Public Utilities Commission of Nevada, or by operation of law;
35 or

36 2. The Taxicab Authority and which has not been transferred,
37 revoked or suspended by the Taxicab Authority or by operation of
38 law.

39 **Sec. 54.** NRS 706.8818 is hereby amended to read as follows:

40 706.8818 1. The Taxicab Authority, consisting of five
41 members appointed by the Governor, is hereby created. Except as
42 otherwise provided in NRS 232A.020, the term of each member is 3
43 years and no member may serve for more than 6 years. No more
44 than three members may be members of the same political party,



1 and no elected officer of the State or any political subdivision is
2 eligible for appointment.

3 2. Each member of the Taxicab Authority is entitled to receive
4 a salary of not more than \$80, as fixed by the Authority, for each
5 day actually employed on work of the Authority.

6 3. While engaged in the business of the Taxicab Authority,
7 each member and employee of the Authority is entitled to receive
8 the per diem allowance and travel expenses provided for state
9 officers and employees generally.

10 4. The Taxicab Authority shall maintain its principal office in
11 the county or area of the State where it performs most of its
12 regulatory activity.

13 5. The Taxicab Authority may adopt appropriate regulations
14 for the administration and enforcement of NRS 706.881 to 706.885,
15 inclusive, and, as it may deem necessary, for the conduct of the
16 taxicab business and for the qualifications of and the issuance of
17 permits to taxicab drivers, not inconsistent with the provisions of
18 NRS 706.881 to 706.885, inclusive. The regulations may include
19 different provisions to allow for differences among the counties to
20 which NRS 706.881 to 706.885, inclusive, apply. Local law
21 enforcement agencies and the Nevada Highway Patrol, upon request
22 of the Authority, may assist in enforcing the provisions of NRS
23 706.881 to 706.885, inclusive, and regulations adopted pursuant
24 thereto.

25 6. Except to the extent of any inconsistency with the provisions
26 of NRS 706.881 to 706.885, inclusive, every regulation and order
27 issued by the ~~[Transportation Services Authority]~~ *Public Utilities*
28 *Commission of Nevada* remains effective in a county to which those
29 sections apply until modified or rescinded by the Taxicab Authority,
30 and must be enforced by the Taxicab Authority.

31 **Sec. 55.** NRS 706.88185 is hereby amended to read as
32 follows:

33 706.88185 1. When the Taxicab Authority has reason to
34 believe that any provision of NRS 706.881 to 706.885, inclusive, is
35 being violated, the Taxicab Authority shall investigate the alleged
36 violation. After a hearing, the Taxicab Authority may issue an order
37 requiring that the certificate holder *or a driver* cease and desist from
38 any action that is in violation of NRS 706.881 to 706.885, inclusive.

39 2. The Taxicab Authority shall enforce an order issued
40 pursuant to subsection 1 in accordance with the provisions of NRS
41 706.881 to 706.885, inclusive.

42 **Sec. 56.** NRS 706.8819 is hereby amended to read as follows:

43 706.8819 1. The Taxicab Authority shall conduct hearings
44 and make final decisions in the following matters:



(a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. *Any person who is aggrieved by any act or failure to act by the Taxicab Authority is entitled to judicial review of the act or failure to act in the manner provided by chapter 233B of NRS.* An appeal from the final decision of the Taxicab Authority must be made to the ~~Transportation Services Authority~~ *district court for the county in which the alleged act or failure to act occurred.*

Sec. 57. NRS 706.8822 is hereby amended to read as follows:

706.8822 The Administrator shall conduct administrative hearings and make final decisions, subject to appeal by any aggrieved party to the Taxicab Authority, in the following matters:

1. Any violation relating to the issuance of or transfer of license plates for motor carriers required by either the Taxicab Authority or the Department of Motor Vehicles;

2. Complaints against certificate holders;

3. Complaints against taxicab drivers ~~§~~ *, including, without limitation, a complaint alleging a violation of NRS 706.8846;*

4. Applications for, or suspension or revocation of, drivers' permits which may be required by the Administrator; and

5. Imposition of monetary penalties.

Sec. 58. NRS 706.8841 is hereby amended to read as follows:

706.8841 1. The Administrator shall issue a driver's permit to qualified persons who wish to be employed by certificate holders as taxicab drivers. Before issuing a driver's permit, the Administrator shall:

(a) Require the applicant to submit a complete set of his fingerprints which the Administrator may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to ascertain whether the applicant has a criminal record and the nature of any such record, and shall further investigate the applicant's background; and

(b) Require proof that the applicant:

(1) Has been a resident of the State for 30 days before his application for a permit;



(2) Can read and orally communicate in the English language; and

(3) Has a valid license issued under NRS 483.325 which authorizes him to drive a taxicab in this State.

2. The Administrator may refuse to issue a driver's permit if the applicant has been convicted of:

(a) A felony relating to the practice of taxicab drivers in this State or any other jurisdiction at any time before the date of the application;

(b) A felony involving any sexual offense in this State or any other jurisdiction at any time before the date of the application;

(c) A violation of NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application; or

(d) A violation of NRS 484.37955 or a law of any other jurisdiction that prohibits the same or similar conduct.

3. *The Administrator may refuse to issue a driver's permit if the applicant has been sanctioned for a third offense of NRS 706.8846 pursuant to subsection 2 of NRS 706.8848.*

4. The Administrator may refuse to issue a driver's permit if the Administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to the public health, welfare or safety.

~~[4.]~~ 5. A taxicab driver shall pay to the Administrator, in advance, \$40 for an original driver's permit and \$10 for a renewal.

Sec. 59. NRS 706.8848 is hereby amended to read as follows:

706.8848 1. If a driver violates any provision of NRS 706.8844 ~~[to 706.8847, inclusive.]~~ , *706.8845 or 706.8847*, the Administrator may impose the following sanctions:

(a) First offense: Warning notice or a fine of not more than \$100, or both warning and fine.

(b) Second offense: 1 to 3 days' suspension of a driver's permit or a fine of not more than \$200, or both suspension and fine.

(c) Third offense: 4 to 6 days' suspension of a driver's permit or a fine of not more than \$300, or both suspension and fine.

(d) Fourth offense: 10 days' suspension of a driver's permit or a fine of not more than \$500, or both suspension and fine.

(e) Fifth offense: Revocation of a driver's permit or a fine of not more than \$500, or both revocation and fine.

2. *If a driver violates any provision of NRS 706.8846, the Administrator may impose the following sanctions:*

(a) First offense: Warning notice or a fine of not more than \$100, or both warning and fine.



1 (b) *Second offense: Suspension of his driver's permit for not*
2 *more than 3 days or a fine of not more than \$200, or both*
3 *suspension and fine.*

4 (c) *Third offense: Revocation of his driver's permit or a fine of*
5 *not more than \$500, or both revocation and fine.*

6 3. Only violations occurring in the 12 months immediately
7 preceding the most current violation shall be considered for the
8 purposes of subsection 1 ~~1.~~ *or 2.* The Administrator shall inspect
9 the driver's record for that period to compute the number of offenses
10 committed.

11 ~~3.~~ 4. The Administrator shall conduct a hearing ~~[prior to]~~
12 *before* suspension or revocation of a driver's permit or imposing a
13 fine under this section or NRS 706.8849.

14 **Sec. 60.** NRS 712.020 is hereby amended to read as follows:

15 712.020 The Legislature hereby finds and declares that the
16 storage of household goods and effects in warehouses affects the
17 public interest and the public welfare, and in the exercise of its
18 police power, it is necessary to vest in the ~~[Transportation Services~~
19 ~~Authority]~~ *Public Utilities Commission of Nevada* the authority to
20 set certain standards as to fitness and financial stability, and to
21 require certain insurance as a condition for engaging in such storage
22 business.

23 **Sec. 61.** NRS 712.040 is hereby amended to read as follows:

24 712.040 A person shall not engage in the storage of household
25 goods and effects without first having obtained from the
26 ~~[Transportation Services Authority]~~ *Public Utilities Commission of*
27 *Nevada* a warehouse permit to conduct such service.

28 **Sec. 62.** NRS 712.050 is hereby amended to read as follows:

29 712.050 1. Before issuing a warehouse permit, the
30 ~~[Transportation Services Authority]~~ *Public Utilities Commission of*
31 *Nevada* shall:

32 (a) Require proof of financial ability to protect persons storing
33 property from loss or damage, and a showing of sufficient assets,
34 including working capital, to carry out the proposed service.

35 (b) Determine that the applicant has sufficient experience in and
36 knowledge of the storage in a warehouse of household goods and
37 effects, and the regulations of the ~~[Transportation—Services~~
38 ~~Authority]~~ *Public Utilities Commission of Nevada* governing the
39 storage of household goods and effects.

40 (c) Require proof that the applicant carries a legal policy of
41 liability insurance evidencing coverage against fire, theft, loss and
42 damage for stored property and effects in an amount not less than
43 the base release value set forth in the tariff approved by the
44 ~~[Transportation Services Authority]~~ *Public Utilities Commission of*
45 *Nevada* governing the transportation of household goods and effects



1 for those articles not covered by private insurance. Except upon 30
2 days' written notice to the ~~{Transportation Services Authority,}~~
3 *Public Utilities Commission of Nevada*, the insurance must not be
4 cancelled during the period for which any permit is issued. Failure
5 to keep the insurance in effect is cause for revocation of any
6 warehouse permit.

7 (d) Require information showing that the property to be used for
8 storage of household goods and effects is reasonably suitable for
9 that purpose. Failure to maintain the property in suitable condition is
10 cause for revocation of any warehouse permit.

11 (e) Collect an initial fee for the permit as set by the
12 ~~{Transportation Services Authority}~~ *Public Utilities Commission of*
13 *Nevada* according to the gross volume of business in an amount not
14 less than \$25 nor more than \$50.

15 2. On or before January 1 of each year, the holder of a
16 warehouse permit shall pay to the ~~{Transportation Services~~
17 ~~Authority}~~ *Public Utilities Commission of Nevada* an annual fee as
18 set by the ~~{Transportation Services Authority}~~ *Public Utilities*
19 *Commission of Nevada* pursuant to paragraph (e) of subsection 1.

20 3. Any person who fails to pay the annual fee on or before the
21 date provided in this section shall pay a penalty of 10 percent of the
22 amount of the fee plus interest on the amount of the fee at the rate of
23 1 percent per month or fraction of a month from the date the fee is
24 due until the date of payment.

25 **Sec. 63.** NRS 712.070 is hereby amended to read as follows:

26 712.070 The ~~{Transportation Services Authority}~~ *Public*
27 *Utilities Commission of Nevada* shall adopt such rules or
28 regulations as may be required for the administration of this chapter.

29 **Sec. 64.** NRS 706.018, 706.021, 706.1511, 706.1512,
30 706.1513, 706.1518, 706.158, 706.168, 706.176 and 706.2883 are
31 hereby repealed.

32 **Sec. 65.** Notwithstanding any provision of this act, the
33 amendatory provisions of sections 2, 3, 4, 11 and 12 of this act
34 apply only to motor vehicles with a declared gross weight in excess
35 of 26,000 pounds that are initially registered, or for which the
36 registrations are renewed, on or after January 1, 2008.

37 **Sec. 66.** 1. Any regulations adopted by the Transportation
38 Services Authority remain in force until amended or repealed by the
39 Public Utilities Commission of Nevada.

40 2. Any contracts or other agreements entered into by the
41 Transportation Services Authority are binding on the Public Utilities
42 Commission of Nevada.

43 3. Any certificate of public conveyance and necessity issued by
44 the Transportation Services Authority that is in effect on October 1,



2007, shall be deemed to have been issued by the Public Utilities Commission of Nevada.

4. Any license or permit issued by the Transportation Services Authority that is in effect on October 1, 2007, shall be deemed to have been issued by the Public Utilities Commission of Nevada.

5. The Transportation Services Authority shall transfer all files, documents and records on or before October 1, 2007, to the Public Utilities Commission of Nevada.

Sec. 67. The Public Utilities Commission of Nevada and the Transportation Services Authority shall cooperate fully and shall take all reasonable steps to ensure that the amendatory provisions of this act are carried out in an orderly fashion.

Sec. 68. On October 1, 2007, the State Controller shall transfer all assets and liabilities from the Transportation Services Authority Regulatory Fund to the Transportation Regulatory Fund created pursuant to section 22 of this act.

Sec. 69. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 70. This act becomes effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on October 1, 2007, for all other purposes.

LEADLINES OF REPEALED SECTIONS

706.018 "Authority" defined.

706.021 "Broker" defined.

706.1511 Authority: Creation; appointment, terms and qualifications of members; restriction on other employment of members; members serve at pleasure of Governor.



* S B 6 8 *

706.1512 Authority: Designation of Chairman by Governor; Executive Officer; members in unclassified service of State.

706.1513 Suits by and against Authority.

706.1518 Authority: Biennial report; records open to public.

706.158 Inapplicability of provisions governing brokers to motor clubs, charitable organizations and certain other brokers of transportation services.

706.168 Supervision of motor carriers separate from supervision of brokers.

706.176 Employment of personnel by Authority.

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Transportation Services Authority regarding its review of decisions of Taxicab Authority.

